

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

MICHAEL MUMLEY,
Plaintiff

v.

File No. 1:06-CV-137

ROBERT HOFMANN,
STUART GLADDING, TIM SIMONEAU,
TODD BLANCHARD, VERMONT
DEPARTMENT OF CORRECTIONS
EMPLOYEES, COGNITIVE SELF
CHANGE FACILITATORS,
CHRISTIAN CORRIVEAU and
CLINT GLOVER,
Defendants

ORDER

The Magistrate Judge's Amended Report and Recommendation was filed July 31, 2008. (Paper 117.) After de novo review and absent objection, the Amended Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

The motion to dismiss filed by defendants Robert Hofmann, Stuart Gladding, Timothy Simoneau, Todd Blanchard, Christian Corriveau and Clint Glover (Paper 115) is DENIED. As a sanction for failing to comply with this Court's prior order compelling discovery responses, plaintiff's motion for summary judgment (Paper 92) is STRICKEN.

This matter is returned to Magistrate Judge Niedermeier for further proceedings.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 3rd day of September,
2008.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge